

FROM: P N BELL
 SECURITY POLICY AND OPERATIONS DIVISION
 DATE: 27 APRIL 1990

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 30 APR 1990
 CIVIL SE

Miss Mills - B

- cc PS/SofS (L&B) - B
- PS/MofS (L&B) - B
- PS/PUS (L&B) - B
- (PS/Sir K Bloomfield
- Mr Burns - B
- Mr Ledlie - B
- Mr A Wilson o/r - B
- Mr Bentley, HO
- Mr Thomas - B
- Mr Alston - B
- Mr Daniell - B
- Mr J McConnell - B

THE "UDR" 4

In the absence of any response to my minute of 26 April, I have now spoken to the ACC Crime on the lines suggested in para 4 of my minute of 26 April. Mr Monahan expressed himself grateful for the advice. He expects the Chief Constable to write on these lines early next week.

(signed)

P N BELL
 (Ext SH 2201)

JI/11239

FROM: P N BELL
SECURITY POLICY AND OPERATIONS DIVISION
DATE: 26 APRIL 1990



Miss Mills - B

cc PS/Sofs (L&B) - B
PS/Mofs (L&B) - B
PS/PUS (L&B) - B271/4
i. PS/Sir K Bloomfield
Mr Burns - B
Mr Ledlie - B
Mr A Wilson o/r - B
Mr Bentley, HO
Mr Thomas - B
Mr Alston - B
Mr Daniell - B
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THE "UDR" 4

I reminded colleagues at PUS' Stocktaking this morning that the Armagh 4 case could break surface at around the same time as we were handling the consequences of Stevens. In saying this, I had in mind the recent exchanges between Mr McConnell, PUS and the Minister of State. To which I can now add rather more than a footnote.

2. I was rung up yesterday, in strict confidence, by ACC Crime who was seeking my advice, on behalf of the Chief Constable, on how best to respond to a request from Mr Maginnis that the police notes, taken during the interrogation of the Armagh 4, should be scientifically tested to establish whether or not they had been subsequently 'doctored'. (This is entirely compatible with what appears the change of tack on the part of Dr Paisley, Mr Robinson and Mr Maginnis in concentrating more on possible weaknesses in the prosecution case than on new evidence.)

3. The Chief Constable had clearly been discomfited by this request: to accede, in a case which attracts such publicity, would reflect on his own officers, could be construed as questioning the soundness of the conviction of the Armagh 4, and set an intolerable precedent for virtually anyone convicted of anything in the Province. On the other hand, to refuse, out of hand, would smack at

best of surliness; at worst of obstructing the course of justice - a charge with a number of unfortunate resonances. My off-the-cuff advice, however, was that apart from sending a brief holding reply - which I believe the RUC had already done - the immediate dangers of the former course outweighed those of the second. Moreover, as I told Mr Monahan, I saw grave dangers in the Chief Constable saying 'yes' without very good reasons being supplied to justify the request, of a kind which, I gather, Mr Maginnis has not furnished not least because, on the evidence currently available to us, the case was one in which justice had been done. In the meantime, whatever else the Chief Constable should say, my advice would be to say, however tactfully, no. (Which was what the RUC wanted to hear, I think.) I undertook, however, since it would have been churlish to explain it was not strictly 'my subject' to reflect further and return to Mr Monahan with more considered advice as soon as I could.

4. I have since spoken both to our Legal Advisers, and also (very much off the record - please respect confidences - to the Office of the DPP). The general consensus (which also reflects the advice of the DPP to the Chief Constable on this very same subject, and which has also been discussed with the LCJ - again respect confidences please) is that the Chief Constable should reply, in respect of those documents which are in his possession rather than those of the Court, broadly on the following lines:

- (a) such a request is essentially a legal matter;
- (b) it would therefore be for the solicitor(s) of the defendants to make any such request on behalf of their clients;
- (c) if they chose to do so, they would need to justify fully the reasoning behind their request, and what precisely they wished to have tested; and
- (d) on receipt of such a request, the Chief Constable would consider how best to respond.

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5. In other words, a simple request from one or more politicians or laymen would not be enough (for all sorts of excellent reasons). But, in weighing the merits of any such properly reasoned request that arrived, the Chief Constable would in turn take his own legal advice (and make his decision in the knowledge that, if he says 'no', it would still be open to the legal representatives of the Armagh 4 to seek judicial review of his refusal. Again in strict confidence, you should know that that LCJ might be inclined to grant such an application.)

6. In addition, any letter from the Chief Constable might also remind Mr Maginnis and co of the need to let the police have any new evidence they might possess as soon as possible.

7. Unless you or copy recipients demur, I propose to speak on these lines, informally, to Mr Monahan tomorrow morning. At the same time, I shall emphasise that, in any of our dealings on other channels with Mr Maginnis or other supporters of the Armagh 4, we shall be punctilious in emphasising that this subject is a legal one and that we shall be playing strictly by the book, but that Mr Maginnis and co should bring forward any new material they have as soon as possible.

8. I shall also remind the RUC that this subject falls primarily to CJB.

(signed)

P N BELL
(Ext SH 2201)

J1/11216

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